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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,678	06/19/2006	Renee Boerefijn	C7755(V)	4499

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EXAMINER	
ASDJODI, MOHAMMAD REZA	
ART UNIT	**PAPER NUMBER**
1796	

NOTIFICATION DATE	DELIVERY MODE
09/16/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/583,678	BOEREFIJN ET AL.	
	Examiner	Art Unit	
	M. REZA ASDJODI	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/24/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez et al. (US 6, 458,754 B1), in view of Weldes et al. (US 3,783,008).

Regarding claims 1-3, 5, 6, and 8, Velazquez et al. teach an enhanced perfume particles and detergent composition comprising: a granulate detergent particles with functional core of detersive agents; [8: 35-40, 9: 36-40], softener by the amount of 0.0-80%; [9: 50-59], and solid ingredients such as surfactants and builders; [9: 20-60], wherein the coated granule comprises 0.01-50% of encapsulated perfume (HIA); [9: 21-25], and composition can comprise un-encapsulated perfume; [3: 5-12].

With respect to claim 1, Velazquez et al. do not teach the detergent granulate itself, also, being encapsulated. However. Weldes et al. teach a preparation process for coated detergent granule comprising cleaning material and perfumes; [abstract, 1: 29]. Weldes et al. and Velazquez et al. are analogous art because they are from the same field of endeavour, that of fabric treatment compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the encapsulation (or coating) of granulated detergent composition of Weldes with the motivation of a material delivery with more stability and longer life time as evidenced by Weldes et al.

Claims 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez et al. (US 6, 458,754 B1), and Weldes et al. (US 3,783,008), as applied to claim 1 above, and further in view of Walley et al. (US 5,066,419).

Regarding claims 4, and 7, Velazquez et al. teach the basic granular detergent composition (including builders by the amount of 50-99%; [11, 62-63, 12: 29]) as set forth for claim 1 above.

With respect to claim 4, Velazquez et al. do not teach the coating material such as formaldehyde. However, Walley et al. teach a coated perfume particles coated by melamine-urea-formaldehyde; [4: 59-65]. Walley et al. and Velazquez et al. are analogous art because they are from the same field of endeavour, that of fabric treatment compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use perfume encapsulating material of Walley, melamine-urea-formaldehyde, for Velazquez et al.'s

composition, with the motivation of timely release of perfumes during the washing cycles, as evidenced by Walley et al.

With respect to claim 7, Velazquez et al. do not teach linear alkyl benzene sulfonate. However, Walley et al. teach a granular laundry detergent comprising linear alkyl benzene sulfonate by the amount of 7.5%; [11: 42]. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use alkyl sulfonate surfactant of Walley in Velazquez et al.'s composition, with the motivation of enhancing its detersive properties, as evidenced by Walley et al.

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez et al. (US 6, 458,754 B1), in view of Weldes et al. (US 3,783,008), and Walley et al. (US 5,066,419).

Regarding claims 9-12, and 13-15, Velazquez et al. teach a process for making a granular detergent; [10- 1-40], providing softener; [9: 50-59], and solid ingredients such as surfactants and builders; [9: 20-60], wherein the composition comprises unencapsulated perfume; [3: 5-12], admixed with one or more solid ingredients; [9: 20-60], and coated granules are granular; [9: 55-62].

With respect to claim 9, Velazquez et al. do not specifically teach spraying detergent with slurry to form a coated granulate. However. Weldes et al. teach a preparation process for a coated detergent granule wherein the slurry is sprayed for coating detergent. Weldes et al. and Velazquez et al. are analogous art because they are from the same field of endeavour, that of fabric treatment compositions; [3: 54-60, 4: 43]. At the time of invention, it would have been

obvious to a person of ordinary skill in the art to utilize Weldes's method for coating the granulate detergent with encapsulated perfume slurry with the motivation of simplicity and cost effectiveness.

With respect to claims 11 and 12, Velazquez et al. do not, specifically, teach viscosity modifier and presence of initial slurry in the process of preparation. However, Walley et al. teach a viscosity modifier such as carboxymethyl cellulose (also indicated in the specification of this application); 10: 52], and a process of preparing coated perfume particles for coating including slurry and spraying steps; [10: 5-65]. Walley and Velazquez are analogous art because they are from the same field of endeavour, that of fabric treatment compositions containing encapsulated ingredients. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize Walley's viscosity modifier and method with the motivation of optimizing the preparation process of cleaning composition.

With respect to claim 12, Velazquez et al. teach a process for making a granular detergent using Shugi Granulator under trademark of "Lodige KM600 Mixer. This equipment is capable of operating in a low and medium shear mixing condition (as evidenced by US 5,736,502).

Response to Arguments

Applicant's arguments filed 04/24/09 have been fully considered but they are not persuasive.

A- In response to applicant's argument that: "the process of Velazquez et al. will not give the claimed coated granulates of present invention (pg.2, paragh.4)": I)- It seems that applicant's interpretation of Velazquez et al. is different than that of the Office. Velazquez et al.

teaches that : "in another mode, an aqueous slurry comprising the desired formulation ingredient is sprayed into a fluidized bed of particulate surfactants; [10: 34-40]. It is agreed that the encapsulated perfume is a desired ingredient of Velazquez et al. II)- Also, Velazquez et al. in claim 11 (which is dependent on claim 7 and 4) indicates very clearly that perfume (encapsulated) is sprayed (slurry before spraying) onto the surface of detergent composition.

B- In response to applicant's argument that: "the Weldes do not teach an encapsulated perfume": Weldes is essentially teaching a coated detergent (by a slurry) with ingredients that includes perfume as well. A mere addition or subtraction of a component in a list of ingredient does not render the claims of instant application patentable; [1:59, 4: 34-45]. With respect to details of comparative dry mixings of two reference it should be noted that the minor differences in drying or spraying material onto other ingredients is not a reason for their art related incompatibility.

C- In response to applicant's argument that there is no suggestion to combine the references (as indicated in pg.3: paragh.5), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the only reason for combination of Walley et al. and Velazquez et al. is mere application of a coating material such as melamine-urea-formaldehyde. Applicant has not argued the very reason for combination of these two prior arts.

To date, there has been no display of evidence to elucidate differences between the two inventions. It is noted that arguments of counsel can not take the place of evidence in the record. *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); *In re Geisler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

/M. R. A./
Examiner, Art Unit 1796
08/28/09